

**Notice of Allowability**

Application No.

09/680,017

Applicant(s)

BANSAL ET AL.

Examiner

Art Unit

James A. Reagan

3621

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 21 March 2005.
2. ☒ The allowed claim(s) is/are 1, 3, 5, 6, 8, 9, 11, 13, 14, 16, 17, 19, 21, 22, and 24.
3. ☒ The drawings filed on 02 January 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### **Status of Claims**

1. This action is in response to the amendment filed on 21 March 2005.
2. Claims 1, 3, 5, 6, 8, 9, 11, 13, 14, 16, 17, 19, 21, 22, and 24 are pending and have been examined.

### **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
4. Authorization for this examiner's amendment was given in a telephone interview with Mohammad S. Rahman on 12 May 2005.
5. The application has been amended as follows:  
Claim 3:
  - Line 1 Delete – *wherein said means* – and replace with "further".

### **Allowable Subject Matter**

6. Claims 1, 3, 5, 6, 8, 9, 11, 13, 14, 16, 17, 19, 21, 22, and 24 are allowed. See Reasons for Allowance under separate heading.

### Reasons For Allowance

7. The following is an Examiner's statement of reasons for allowance:

None of the art of record, taken individually or combination, disclose at least the limitation of: *Means for providing different levels of service by dynamically allocating and pricing said resources based on customers' changing needs, and their willingness to pay for a different service levels, wherein said dynamically allocating and pricing resources is accomplished through mutual online negotiations between said customers and said Resource Center at through electronic communications, wherein said mutual online negotiations take place between software based agents representing said customers and said Resource Center, and wearing each class of resources and some units dedicated to specific customers with remaining units been dynamically allocated to customers by the Resource Center.* More specifically, the prior art of record fails to disclose, in a web server environment, dedicating a portion of the web sever resources to a group of customers, and auctioning remaining resources to the highest bidder using software based agents to conduct the electronic negotiation.

**Claims 1, 9, and 17** are distinguished over the closest prior art of Miller, who, in at least the abstract and column 2, line 58 to column 3, line 30, discloses allocation of computer resources based on a bidding auction system. Miller does not specifically disclose dynamic allocation of resources, but Krishnaswamy, in column 31, lines 48-51 does. Krishnaswamy also discloses specialized billing methods (see at least column 20, lines 35-39) and service level agreements, inherently disclosing different levels of service (column 30, lines 8-13). As recited in independent claims 1, 9, and 17, it is clear that the Applicant's invention is distinguished over both the Miller and Krishnaswamy inventions, taken either individually or in combination in at least the method step and computer program product of *Means for providing different levels of service by dynamically allocating and pricing said resources based on customers' changing needs, and their willingness to pay for a different service levels, wherein said dynamically allocating and pricing resources is accomplished through mutual online negotiations between said customers and said*

*Resource Center at through electronic communications, wherein said mutual online negotiations take place between software based agents representing said customers and said Resource Center, and wearing each class of resources and some units dedicated to specific customers with remaining units been dynamically allocated to customers by the Resource Center. Although Miller and Krishnaswamy do disclose some of the limitations, Miller and Krishnaswamy do not fully disclose the limitations as written, thereby failing to rise to the level of the instant invention.*

### **Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- MITSUBISHI ELECTRIC CORP (JP 2000-250801 A September 14, 2000) discloses a web server remote database correspondence system forwards transfer software from web server to database connection controller in database server based on demand from user terminal.
  - Essex, David. "Living with Windows 2000" (Computerworld v35 n32 PP: 46 Aug 6, 2001) discloses a web-based sourcing service for industrial parts and other commodities and allows its users to set up and manage online bidding for supply contracts.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **James A. Reagan** whose telephone number is **571.272.6710**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **571.272.6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

Or faxed to:

**703.305.7687** [Official communications, After Final communications labeled "Box AF"]

**703.308.1396** [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

Randolph Building

401 Dulany Street

Alexandria, VA 22314.

JAR

05 May, 2005

A handwritten signature in black ink, appearing to read 'James A. Reagan', with a long horizontal flourish extending to the right.